

Substitute form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

1

of

5

PATENT &amp; TRADEMARK OFFICE

O I P E IAP2  
SEP 16 2005**Complete if Known**

Application Number	10/748,789
Filing Date	December 30, 2003
First Named Inventor	Mark Conkling
Group Art Unit	1638
Examiner Name	Russell Kallis
Attorney Docket Number	5051.338CTDV

**U.S. PATENTS AND PATENT PUBLICATIONS**

Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code (if known)		
RK	1.	4,751,348		Malmberg et al.	6/14/1988
	2.	4,943,674		Houck et al.	07/1990
	3.	4,962,028		Bedbrook et al.	10/1990
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	5.	5,157,115		Taniguchi	10/1992
	6.	5,177,308		Barton et al.	01/1993
	7.	5,179,022		Sanford et al.	01/1993
	8.	5,204,253		Sanford et al.	04/1993
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RK	34.	2004/0103454		Conkling et al.	5/24/2004

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Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation
		Office	Number	Kind Code (if known)			
RK	35.	CA	2,032,443			06/20/1991	
RK	36.	CA	2,248,622			03/23/1999	

Examiner Signature

/Russell Kallis/

Date Considered

09/28/2006

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RK	37.	CA	2,325,344			10/21/1999	
	38.	EP	0 647 715			04/12/1995	
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OTHER NON PATENT LITERATURE DOCUMENTS					T
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published			
RK	57.	Abeyama et al. "A role for NF-κB-Dependent Gene Transactivation in Sunburn" <i>The Journal of Clinical Investigation</i> 105(12):1751-1759 (June 2000).			
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RK	59.	Akimoto et al. "Growth Inhibition of Cultured Human Tenon's Fibroblastic Cells by Targeting the E2F Transcription Factor" <i>Exp. Eye Res.</i> 67:395-401 (1998).			
RK	60.	Aparicio et al. "Recognition of <i>cis</i> -acting sequences in RNA 3 of <i>Prunus necrotic ringspot virus</i> by the replicase of <i>Alfalfa mosaic virus</i> " <i>J. Gen. Virol.</i> 82(Pt 4):947-951 (2001)			
	61.	<del>Blastn 2.2.3 RID: 1028030485-00130-26650 <a href="http://www.ncbi.nlm.nih.gov/blast/Blast.cgi">http://www.ncbi.nlm.nih.gov/blast/Blast.cgi</a>, April 24, 2002</del>			
	62.	<del>Blastn 2.2.3 RID: 1029876573-03236-18654 <a href="http://www.ncbi.nlm.nih.gov/blast/Blast.cgi">http://www.ncbi.nlm.nih.gov/blast/Blast.cgi</a>, April 24, 2002</del>			
RK	63.	Bogusz et al. "Functioning Haemoglobin Genes in Non-Nodulating Plants" <i>Nature</i> 331:178-180 (1988)			
RK	64.	Borisjuk et al. (2000) "Tobacco ribosomal DNA spacer element stimulates amplification and expression of heterologous genes" <i>Nat. Biotechnol.</i> 18(12):1303-1306			
RK	65.	Bustos et al. (1989) "Regulation of β-glucuronidase expression in transgenic tobacco plants by an A/T-rich, <i>cis</i> -acting sequence found upstream of a French bean β-phaseolin gene" <i>Plant Cell</i> 1(9):839-853.			
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				First Named Inventor	Mark Conkling
				Group Art Unit	1638
				Examiner Name	Russell Kallis
Sheet	3	of	5	Attorney Docket Number	5051.338CTDV

		(2000) (Abstract only)	
RK	68.	Database EMBL Online! EBI; <i>A. thaliana</i> , clone TAP0198, March 5, 1996, Accession No. F20096, 2 pages.	
RK	69.	GenBank accession no. U08931, <i>Nicotiana tabacum</i> cryptic seed coat-specific promoter (1994)	
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	<del>72.</del>	<del>European Search Report Application No. 04004192, mailed on July 2, 2004</del>	
RK	73.	Evans et al. "Distribution of Root mRNA Species in Other Vegetative Organs of Pea ( <i>Pisum sativum</i> L.)" <i>Mol. Gen. Genet.</i> 214:153-157 (1988)	
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	76.	Geffers et al. (2000) "Anaerobiosis-specific interaction of tobacco nuclear factors with <i>cis</i> -regulatory sequences in the maize <i>GapC4</i> promoter" <i>Plant Mol. Biol.</i> 43(1):11-21.	
	77.	Genbank Accession no. AC021028. Homo sapiens chromosome 10 clone RP11-137H2, 44 pp. (2002)	
	78.	Hashimoto et al. "Intraspecific Variability of the Tandem Repeats in <i>Nicotiana</i> Putrescine N-Methyltransferases," <i>Plant Molecular Biology</i> 37:25-37 (1998)	
RK	79.	Hsu et al. "Phloem Mobility of Xenobiotics VI.A Phloem-Mobile Pro-Nematocide based on Oxamyl Exhibiting Root-Specific Activation in Transgenic Tobacco" <i>Pestic. Sci.</i> 44:9-19 (1995)	
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	<del>81.</del>	<del>International Search Report for International Application Serial No. PCT/US01/47371, mailed August 18, 2003</del>	
RK	82.	Johnson et al. (2001) "Regulation of DNA binding and <i>trans</i> -activation by a xenobiotic stress-activated plant transcription factor" <i>J. Biol. Chem.</i> 276(1):172-178.	
	83.	Keller et al. "Specific Expression of a Novel Cell Wall Hydroxyproline-Rich Glycoprotein Gene in Lateral Root Initiation" <i>Genes &amp; Dev.</i> 3:1639-1646 (1989) (Abstract only)	
	84.	Kitamoto et al. "Increased Activity of Nuclear Factor- $\kappa$ B Participates in Cardiovascular Remodeling Induced by Chronic Inhibition of Nitric Oxide Synthesis in Rats" <i>Circulation</i> 102:806-812 (2000).	
	85.	Konopka (2000) "Rev-binding aptamer and CMV promoter act as decoys to inhibit HIV replication" <i>Gene</i> 255(2):235-244.	
	86.	Kubota et al. "Cloning of a Nuclear-Encoded Photosystem 1 Gene, <i>psaEb</i> , in <i>Nicotiana glauca</i> " <i>Plant Physiol</i> 108:1297-1298 (1995)	
	87.	Lee et al. "CRE-Transcription Factor Decoy Oligonucleotide Inhibition of MCF-7 Breast Cancer Cells: Cross-Talk with p53 Signaling Pathway" <i>Biochemistry</i> 39:4863-4868 (2000).	
	88.	Lerner et al. "Cloning and Characterization of Root-Specific Barley Lectin" <i>Plant Physiology</i> 91:124-129 (1989)	
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Sheet	4	of	5	Attorney Docket Number	5051.338CTDV

		<i>Journal of Biological Chemistry</i> 274(46):33114-33122 (1999).	
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	103.	Sanford et al. "The Biolistic Process" <i>Trends in Biotechnology</i> 6:299-302 (1988)	
	104.	Sharma et al. (1996) "Transcription factor decoy approach to decipher the role of NF- $\kappa$ B in oncogenesis" <i>Anticancer Res.</i> 16(1):61-70.	
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	106.	Singer et al. "Transcription: The Transfer of DNA Sequence Information to RNA" <i>Genes and Genomes</i> section 3.2: 134-145, University Science Books, Mill Valley, CA (1991)	
	107.	Takata et al. "Novel Cis Element for Tissue-Specific Transcription of Rat Platelet-Derived Growth Factor $\beta$ -Receptor Gene" <i>Hypertension</i> 33(II):298-302 (1999).	
	108.	Tomita et al. "Transcription Factor Decoy for NF B Inhibits Cytokine and Adhesion Molecule Expressions in Synovial Cells Derived from Rheumatoid Arthritis" <i>Rheumatology</i> 39:749-757 (2000).	
	109.	Wadgaonkar et al. (1999) "CREB-binding protein is a nuclear integrator of nuclear factor- $\kappa$ B and p53 signaling" <i>J. Biol. Chem.</i> 274(4):1879-1882	
	110.	Wang et al. (1992) "Characterization of cis-acting elements regulating transcription from the promoter of a constitutively active rice actin gene" <i>Mol. Cell Biol.</i> 12(8):3399-3406.	
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RK	115.	Yamamoto "A Tobacco Root-Specific Gene; Characterization and Regulation of its Transcription"	

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Sheet	5	of	5	Attorney Docket Number	5051.338CTDV

RK		Ph.D. Thesis submitted to the Graduate Faculty of North Carolina State University. Genetics Department (1989)	
RK	116.	Yamamoto et al. "Root-Specific Genes from Tobacco and <i>Arabidopsis</i> homologous to an Evolutionary Conserved Gene Family of Membrane Channel Proteins" <i>Nucleic Acids Research</i> 18:7449 (1990)	
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RK	118.	Yia-Herttuala et al. "Cardiovascular Gene Therapy" <i>The Lancet</i> 355:213-222 (January 15, 2000).	

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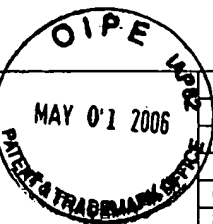
# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 1 of 9

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## OTHER NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T
RK	1.	Accession No. AC115109.2.1.59356, Ensembl Human Genome Server, June 10, 1997	
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	9.	Andersen et al. "Effects of Air-Curing Environment on Alkaloid-Derived Nitrosamines in Burley Tobacco" <i>IARC Science Publication</i> 84: 451-455 (1987)	
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	11.	Andersen et al. "N'-Acyl and N'-Nitroso Pyridine Alkaloids in Alkaloid Lines of Burley Tobacco During Growth and Air-Curing" <i>J Agric Food Chem</i> 37: 44-50 (1989)	
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	14.	Atawodi et al. "Tobacco-Specific Nitrosamines in Some Nigerian Cigarettes" <i>Cancer Letters</i> 97: 1-6 (1995)	
	15.	Bae et al. "The Nitrosation of Hexetidine and Hexedine: Characterization of the Major Nitrosamine from Common Antimicrobial Agents" <i>Chem Res Toxicol</i> 7: 868-876 (1994)	
	16.	Bandurski et al. "Hormone Biosynthesis and Metabolism: B1. Auxin Biosynthesis and Metabolism" <i>Plant Hormones</i> P.J. Davies (ed.) pp. 39-51 (1995)	
	17.	Bhide et al. "Tobacco-Specific N-Nitrosamines [TSNA] in Green Mature and Processed Tobacco Leaves from India" <i>Beitrag zur Tabakforschung International</i> 14(1): 29-32 (1987)	
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	19.	Blaszczak et al. "Increased Resistance to Oxidative Stress in Transgenic Tobacco Plants Overexpressing Bacterial Serine Acetyltransferase" <i>The Plant Journal</i> 20(2): 237-243 (1999)	
	20.	Brittebo et al. "Metabolism of Tobacco-Specific Nitrosamines by Cultured Rat Nasal Mucosa" <i>Cancer Research</i> 43: 4343-4348 (1983)	
	21.	Brunnemann "Topics related to N-Nitrosamines and Their Precursors" 45 <sup>th</sup> TCRC Oct. 20-23, 1991 Asheville, NC	
	22.	Brunnemann et al. "Analytical Studies on N-Nitrosamines in Tobacco and Tobacco Smoke" <i>Recent Advances in Tobacco Science</i> vol. 17 pp.71-112 (1991)	
	23.	Brunnemann et al. "Analytical Studies on Tobacco-Specific N-Nitrosamines in Tobacco and Tobacco Smoke" <i>Critical Reviews in Toxicology</i> 21(4): 235-240 (1991)	
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		First Named Inventor	Mark Conkling
		Group Art Unit	1638
		Examiner Name	Russell Kallis
		Attorney Docket Number	5051-338CTDV
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OTHER NON PATENT LITERATURE DOCUMENTS			
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RK	27.	Brunnemann et al. "N-Nitrosamines in Chewing Tobacco: An International Comparison" <i>J Agric Food Chem</i> 33:1178-1181 (1985)	
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		Filing Date	December 30, 2003
		First Named Inventor	Mark Conkling
		Group Art Unit	1638
		Examiner Name	Russell Kallis
Sheet	7 of 9	Attorney Docket Number	5051-338CTDV

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Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T
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~~September 24, 2001~~ ~~December 30, 2003~~

Conkling et al.

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Attorney Docket Number

Kallis

## U.S. PATENTS AND PATENT PUBLICATIONS

<b>U.S. PATENTS AND PATENT PUBLICATIONS</b>					
<b>Examiner Initials*</b>	<b>Cite No.</b>	<b>U.S. Patent Document</b>		<b>Name of Patentee or Applicant of Cited Document</b>	<b>Date of Publication of Cited Document MM-DD-YYYY</b>
		<b>Number</b>	<b>Kind Code (if known)</b>		
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**FOREIGN PATENT DOCUMENTS**

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## OTHER NON PATENT LITERATURE DOCUMENTS

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09/29/2006

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		Office	Number	Kind Code (if known)				
	11		WO 00/67558		PCT			
	12		WO 93/0546		PCT			
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Examiner Signature	/Russell Kallis/	Date Considered	09/29/2006
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 505j-338C T QV	APPLICATION NO. <del>40/021,286</del>
INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (USE SEVERAL SHEETS IF NECESSARY)	APPLICANT Conkling et al.	
	FILING DATE <del>10 February 1998</del> December 30, 2003	GROUP 1638

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 5051-338	APPLICATION NO. 09/021,285
INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (USE SEVERAL SHEETS IF NECESSARY)	APPLICANT Conkling et al.	
	FILING DATE 10 February 1998	GROUP 1638

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FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 5051-338	APPLICATION NO. 69/021,286
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (USE SEVERAL SHEETS IF NECESSARY)		APPLICANT Conkling et al.	
		FILING DATE 10 February 1998	GROUP 1638

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
RK	54	4,693,976	09/15/87	Schilperoort			

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
RK	55	0 116 718 A1	29.08.84	European Patent Office				
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (USE SEVERAL SHEETS IF NECESSARY)		APPLICANT Conkling et al.	
		FILING DATE 10 February 1998	GROUP 1638

FOREIGN PATENT DOCUMENTS								
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
RK	77	0 290 799 A3	17.11.88	European Patent Office				
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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 5051-338	APPLICATION NO. <u>09/021,286</u>
INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (USE SEVERAL SHEETS IF NECESSARY)	APPLICANT Conkling et al.	
	FILING DATE 10 February 1998	GROUP 1638

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
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	105	WO 01/68836 A2	20.09.01	Beach et al.				
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (USE SEVERAL SHEETS IF NECESSARY)	APPLICANT Conkling et al.	
	FILING DATE 10 February 1998	GROUP 1638

FOREIGN PATENT DOCUMENTS								
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
RK	131	WO 99/14348	25.03.99	Lefebvre et al.				
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	133	WO 99/32619	01.07.99	Fire et al.				
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (USE SEVERAL SHEETS IF NECESSARY)		APPLICANT Conkling et al.	
		FILING DATE 10 February 1998	GROUP 1838

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)	
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	<del>157</del>	<del>Database entry of Ensembl Human Genome Server, AC024028.10.1.176278, BLASTN 2.0a13MP-WashU [10-Jun-1997], 3 pp.</del>
	<del>158</del>	<del>Database entry of Ensembl Human Genome Server, AC069205.6.1.132242, BLASTN 2.0a13MP-WashU [10-Jun-1997], 1 pp.</del>
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	<del>160</del>	<del>Database entry of Ensembl Human Genome Server, AC104785.4.1.11360, 213500, BLASTN 2.0a13MP-WashU [10-Jun-1997], 1 pp.</del>
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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY: DOCKET NO. 5051-338	APPLICATION NO. 09/021,286
INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (USE SEVERAL SHEETS IF NECESSARY)	APPLICANT Conkling et al.	
	FILING DATE 10 February 1998	GROUP 1638

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)
RK	174 Genbank entry AC105416. Homo sapiens BAC clone RP11-310A13 from 4, 12-Jun-2002, 47 pp.
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RK	176 Genbank entry AC115109. Homo sapiens BAC clone RP11-78110 from 2, 29-May-2002, 23 pp.
RK	177 Genbank entry AR164048. Sequence 7 from patent US 6271031, 17-Oct-2001, 1 pp.
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RK	180 Imanishi et al., "Differential Induction by Methyl Jasmonate of Genes Encoding Ornithine Decarboxylase and Other Enzymes Involved in Nicotine Biosynthesis in Tobacco Cell Cultures", Plant Molecular Biology, 38: 1101-1111 (1998).
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